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24113 7590 09/29/2009 PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A. 4800 IDS CENTER 80 SOUTH 8TH STREET MINNEAPOLIS, MN 55402-2100				
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CHRISTENSEN, SCOTT B				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/582,129

**Applicant(s)**

KERDRAON ET AL.

**Examiner**

Scott Christensen

**Art Unit**

2444

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 and 16-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 16-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

#### **DETAILED ACTION**

1. This Office Action is in regard to the most recent papers filed on 7/10/2009.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/10/2009 has been entered.

#### ***Response to Arguments***

3. Applicant's arguments filed 6/10/2009 have been fully considered but they are not persuasive.
4. On page 12, Applicant argues that RFC2778 does not teach "the telecommunication service is capable of transmitting to the service mediation server."

First, it is noted that the language "or" is utilized, meaning that this limitation is not required. Rather, to anticipate the claim, RFC2778 only needs to disclose the cited limitation or "the telecommunications service is to be notified by the service mediation server." The second possibility is not argued by Applicant, meaning that this argument is, on its face, not persuasive.

Even so, cited limitation of, "the telecommunication service is capable of transmitting to the service mediation server" simply means that events are specified that the service can communicate to the service mediation server. As the presence

information can be transmitted to any component that requests the presence information, it is clear that the presence server is fully capable of transmitting any specified events to any requesting entity. Accordingly, the cited limitation is disclosed.

Applicant should amend the language to clearly reflect what is intended to be claimed by this limitation.

5. Applicant further argues that new claim 16 (which is rejected for substantially similar reasons as claim 1) recites "at least one database comprising user data, wherein the user data includes at least one previously specified user profile."

However, RFC2778 discloses presence tuples that includes information that has been monitored since the user registered with the presence service (RFC2778: Page 6). This constitutes a database comprising user data, which includes a previously specified user profile. Applicant should amend the language to clearly reflect what constitutes a "user profile," "previously stored," "database," and what is included in the profile to clearly distinguish the language from the disclosure of RFC2778.

6. Thus, after careful consideration of Applicant's arguments, the rejection of the instant claims has been maintained.

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 3-5, 16-18, and 22-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Day, Rosenberg and Sugano in RFC 2778, "A Model for Presence and Instant Messaging" from February 2000, hereafter referred to as "RFC2778."

With regard to claim 1, RFC2778 discloses a method for coordinating telecommunication services provided to a plurality of users via at least one communications terminal connected to at least one telecommunications network, wherein a service mediation server coordinates processing operations performed by the telecommunication services on behalf of the user, the method comprising:

connecting the telecommunication services to the service mediation server;

specifying, by each of the telecommunications services, at least one event of which the telecommunications service is to be notified by the service mediation server or which the telecommunications service is capable of transmitting to the service mediation server (RFC2778: Page 3, Figure 1 and Page 1, section 1. The Watchers can subscribe to be informed of the presence of a presentity. The action of subscribing specifies that the watcher wishes to be informed of any changes in state. Further, the utilization of the term "or," as currently presented, means that the event is either one "which the telecommunications service is to be notified by the service mediation server" or "which the telecommunications service is capable of transmitting to the service mediation server." As the event is transmitted, the telecommunication service is clearly capable of transmitting to the service mediation server.),

connecting the at least one telecommunications terminal a user to the service mediation server (RFC2778: Page 4. The presentity connects to the presence server.);

transmitting, from the telecommunications terminals to the server mediation server, at least one user profile including an availability mode (RFC2778: Page 2, section 2.1. The presentities transmit their information to the server.);

storing the at least one user profile in a database (RFC2778: Page 2, section 2.1. The presence information is to be stored.)

activating, by the at least one telecommunications terminal, a user profile and an availability mode previously stored in the database (RFC2778: page 2, section 2.1. There is no detail on what constitutes "activating," or what constitutes the profiles and previously stored availability modes. RFC2778 specifies availability modes that may be used, which are previously stored. Further, by declaring an availability mode, the terminal has "activated" that mode, as it is now in that mode.);

accessing, by the at least one telecommunications terminal, at least one of the connected telecommunications services (RFC2778: Page 4, step 3b; page 9, access rules, page 6, and Page 12, presentity. The presentity connects to the presence server to declare the status of the presence server. Information of the presentity is stored in a "Presence Tuple" at the presence server.);

determining, by the service mediation server a state of connectability of the user based on whether at least one telecommunications terminal is connected to the service mediation server, and the active user profile and availability mode (RFC2778: Page 2, Section 2.1);

transmitting, from the service mediation server to the at least one telecommunications terminal, the state of connectability of contacts in a list that is part

of the active user profile of the user (RFC2778: Page 3 and Page 9, section 2.7. The terminal is notified of the status of any presentities that the terminal subscribed to.); and transmitting, for each event received from a telecommunications service, an event notification from the service mediation server to a telecommunication service having specified that the telecommunications service is to be notified of the event (RFC2778: Page 3, Figure 1, and page 1, section 1. The services that subscribed to a presentity is notified of the presentity's status when the status changes.).

With regard to claim 3, RFC2778 teaches that each availability mode specified by a user also includes availability rules specifying periods in which the availability mode is active (RFC2778: Page 9, "ACCESS RULES").

With regard to claim 4, RFC2778 discloses that the state of connectivity of each user determined by the mediation server can be in one of the following states:

connectable if the active availability mode for the user is in the available state and if at least one user terminal is connected to the service mediation server (RFC2778: Page 5, Section 2.4. If the user is connected to the mediation server (presence server), and the user is reported as online, the user is connectable. Further, to anticipate the instant claim, only one of the states needs to be disclosed, as the claim states, "the connectability state"... "can be in **one** of the following states."),

not connectable if no user is connected to the mediation server (RFC2778: Page 5, section 2.4),

access to the connectability state subject to authorisation if the user wants his/her connectability state to be provided to other users only with his/her prior authorisation,

in transfer if the user specified that incoming calls intended for him/her must be transferred to a call number specified in the active availability mode (RFC2778: Page 5, section 2.4. It is noted that the "call number" does not have to be different than the standard call number of the user. Thus, the online state meets this limitation.),

unknown if the requested user is not registered with the service mediation server or if he/she does not want his/her connectability state to be accessible.

With regard to claim 5, RFC2778 discloses that the transmission of event notifications by the service mediation server is carried out upon request of each connected service (RFC2778: Page 3. The presentities and watchers have to connect to the presence server, and the watchers have to request the information.).

With regard to claim 16, the instant claim is substantially similar to claim 1, and is rejected for substantially similar reasons.

With regard to claim 17, RFC2778 teaches an identification/authentication module adapted to identify and authenticate users that attempt to access the service mediation system or select a telecommunications system (RFC2778: Page 6. The users are at least identified by the presence tuple.).



With regard to claim 18, RFC2778 teaches an interface module (RFC2778: Page 8. The presence service is accessed via the network, meaning that the system executing the presence service includes some interface to the network) adapted:

to provide access to the telecommunications server by the at least one telecommunications network (RFC2778: Page 8. The presence service is accessed by the network.),

and to receive processing requests from the at least one telecommunications services or users (RFC2778: Page 8. The presence service receives requests for the presence and receives status updates.),

to retransmit the processing requests to a component of the telecommunications server responsible for performing a requested operation (RFC2778: Page 8. The interface receives the request via the network, and transmits it to the program that executes the service.), and

to transmit a response from the component of the telecommunication server in response to the processing request (RFC2778: Page 8. The interface receives the response to the request and transmits it to the destination.).

With regard to claim 22, RFC2778 teaches that the at least one telecommunication network is selected from the group consisting of: a terrestrial telephone network, a cellular telephone network, and a computer network (the network of RFC2778 at least constitutes a "computer network.").

With regard to claim 23, the instant claim includes subject matter that is substantially similar to that found in claim 1, and is rejected for substantially similar reasons.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2, 6, and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over RFC2778.

With regard to claim 2, RFC2778 discloses that each availability mode specified by a user includes:

an availability state capable of having the values of available, not available, in call transfer to a specified call number (RFC2778: Page 5, Section 2.4. "in call transfer to a specified call number," as claimed, does not require that the number is a different number than the user's normal number. Thus, the user's regular number, and thus "available" is equivalent to "in call transfer to a specified call number," as the presence is with respect to a "specific call number," and any call that is made is transferred to the destination.),

an optional terminal identifier to which an incoming call intended for the user is transferred (RFC2778: Page 5, Section 2.4. First, the term "optional" means that this limitation is not required to anticipate or teach the instant claim. Second, the call is transferred to the user's contact address.),

an event notification mode (RFC2778: Page 14, watcher and watcher information).

RFC2778 does not appear to disclose expressly:

an availability list capable of having the values of an unknown number if the user does not want his/her availability state to be accessible, and

a list of contacts to which the availability state applies.

However, Official Notice (see MPEP 2144.03) is taken that a person of ordinary skill in the art would have known how to allow the user to be "invisible" to other users (an availability list capable of having the values of an unknown number if the user does not want his/her availability state to be accessible) and have different availabilities for different contacts (a list of contacts to which the availability state applies).

Thus, it would have been obvious to have: an availability list capable of having the values of an unknown number if the user does not want his/her availability state to be accessible, and a list of contacts to which the availability state applies in the disclosure of RFC2778.

The suggestion/motivation for doing so would have been that many user's prefer to have some control over their settings to allow for privacy. Thus, a user may wish to be "invisible," thus not allowing the user's state to be known, or have different states for

different users. The different states for different users allows some other users to essentially be blocked, where the user does not wish to be contacted by the other users, yet desirable users would still see the user as being available. It is noted that some collaboration tools on the market already perform this functionality, such as AOL Instant Messenger, where users may be blocked (thus reporting the user of the system as being unavailable), or allows the user to be invisible (which allows the user to be online without the user's status being known to others).

With regard to claim 6, RFC2778 discloses that the transmission of an event notification by the service mediation server is performed upon receipt of the event if the service is connected (RFC2778: Page 3, Figure 1. However, RFC2778 does not appear to disclose expressly that otherwise, the event is stored in a log and is notified to the service when the latter connects to the service mediation server.

However, Official Notice is taken a person of ordinary skill in the art would have known how to store a message for a user when the user is not connected for later delivery.

Thus, it would have been obvious to have the event is stored in a log and is notified to the service when the latter connects to the service mediation server.

The suggestion/motivation for doing so would have been that even notifications intended for the service can be delivered to the service when the service is temporarily disabled.

With regard to claim 19, RFC2778 teaches the invention as substantially claimed except that the interface module comprises a plurality of duplicate components to provide fault tolerance.

However, Official Notice is taken that utilizing duplicates to allow for fault tolerance was well known in the art.

Accordingly, it would have been obvious to include a plurality of duplicate components to provide fault tolerance.

The suggestion/motivation for doing so would have been that providing duplicate components allows one of the duplicates to be utilized in situations where a component fails. This allows the service to continue to be operational even when a component fails.

With regard to claim 20, RFC2778 teaches an access monitor including:  
means for connecting and disconnecting a telecommunications terminal to the telecommunications server (RFC2778: Page 3 and page 8. The user can connect their terminal to the mediation server and disconnect it.),

means for connecting and disconnecting a telecommunications service and the telecommunications server (RFC2778: Page 3, page 8. The user can connect to the mediation server as a watcher.),

means for selecting a user profile and an availability mode in the user profile to be activated, means for selecting events of which the user wants to be notified of the

appearance (RFC2778: Section 2.1. The presentities report their status to the server, and provides the information included in the presence tuple on page 6.), and

means for selecting a telecommunications terminal to receive an incoming call (RFC2778: Page 6, contact address).

However, RFC2778 does not appear to disclose expressly:

means for managing, in real time, the telecommunications services activated for the user.

However, RFC2778 does appear to be intended to be implemented on computer systems. It is noted that a computer system manages, in real time, applications and services that are being used by a user.

Thus, it would have been obvious to have means for managing, in real time, the various services activated for the user in the disclosure of RFC2778.

The suggestion/motivation for doing so would have been that managing services in real time on a user's computer system allows the computer system to be responsive to changing conditions in the services, and thus allows the computer to execute the services in an efficient manner.

With regard to claim 21, RFC2778 teaches the invention as substantially claimed but does not expressly disclose that the plurality of telecommunications terminals is selected from the group consisting of: a personal computer, a personal digital assistant (PDA), a cellular telephone, and a wire telephone.

However, Official Notice is taken that personal computers for instant messaging were very well known in the art.

Thus, it would have been obvious to utilize a personal computer as the telecommunications terminal of RFC2778.

The suggestion/motivation for doing so would have been that RFC2778 was most likely drafted with a personal computer in mind, and a person of ordinary skill in the art would have recognized that a personal computer would most likely be utilized by the user for the disclosure of RFC2778.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Christensen whose telephone number is (571)270-1144. The examiner can normally be reached on Monday through Thursday 6:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. C./  
Examiner, Art Unit 2444

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2444